

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Plaintiffs'
Exhibit 1

JEFFERY JUST,

Plaintiff,

vs.

CITY OF ST. LOUIS, MISSOURI, et al.,

Defendants.

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Case No. 4:18-CV-424 NAB

**PLAINTIFF'S STATEMENT OF FACTS
IN WHICH A GENUINE ISSUE EXISTS
AND PLAINTIFF'S ADDITIONAL UNDISPUTED MATERIAL FACTS**

COMES NOW Plaintiff Jeffery Just ("Plaintiff"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and E.D.Mo. L.R. 4.01(E), sets forth the following Statement of Facts in Which a Genuine Issue Exists with relation to the claims of this case and Plaintiff's Additional Undisputed Material Facts in Support of Plaintiff's request for this Court to deny Defendant Nellie Kuykendall ("Defendant Kuykendall") and Defendant Eric Henry's ("Defendant Henry") (collectively the "Defendants") Motion for Summary Judgment:

**PLAINTIFF'S RESPONSES TO
DEFENDANTS' STATEMENT OF FACTS**

1. Plaintiff denies the allegation of material fact in Paragraph 1 that the incident took place "On July 17, 2017..." and that Motomart "sits at the intersection of Dunn Road and Riverside Drive, just north of I-270."

Plaintiff admits the allegation of material fact in Paragraph 1 that "Mr. Just's truck had run out of gas on July 7, 2017 near a Motomart that sits at the intersection of Dunn Road." (*See* Defendants' Statement of Facts No. 1).

As this Honorable Court is aware, the undersigned suffers from a disability and has limited use of his hands and fingers; limited fine motor skills, particularly affecting counsel's ability to type. The undersigned has made significant progress on Plaintiffs' responses to Defendants' respective motions for summary judgment and will be able to file those responsive filings if this Honorable Court grants Plaintiffs' Third Motion for Extension of Time to file Responses to Defendants City of Van Buren, Missouri and Alonzo Bradwell's Motion for Summary Judgment and Defendant Charles Roper's Motion for Summary Judgment.

As to Plaintiffs' responsive filing, the undersigned responds to each fact identified by the Defendants by paragraph number and Plaintiffs include a section of Plaintiffs' Additional Undisputed Material Facts in Support of Plaintiff's request for this Court to deny Defendants' Motion for Summary Judgment. (*See Exhibit 1 attached hereto as a sample response*).

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request this Honorable Court to grant their Third Motion for Extension of Time to file Responses to Defendants City of Van Buren, Missouri and Alonzo Bradwell's Motion for Summary Judgment and Defendant Charles Roper's Motion for Summary Judgment and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

SCHOTTEL & ASSOCIATES, P.C.

BY: s/James W. Schottel, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2021 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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